

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. Applicants also appreciate the Examiner's issuance of the rejection as a non-final Office action to ensure a fair opportunity for response. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Review of the subject application in view of the present amendment/remarks is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,243,764 to Wieland in view of U.S. Patent No. 6,363,618 to Durr. For at least the following reasons, the Examiner's rejection is respectfully traversed.

First, the Examiner asserts that, because the limitation "a working tool carrier" of claim 1 is not defined with structural limitations, it can be interpreted broadly and therefore reads on the cylinder of Durr, which has a metal reinforcement. However, "a working tool carrier", at the very least, still means something that carries a working tool and a person of ordinary skill in the art would not consider a cylinder to be a working tool carrier because a cylinder, unless specifically configured to carry a working tool, is generally a structure provided with a combustion chamber. Because Durr does not describe that the cylinder is somehow configured to carry a working tool, the argument that the cylinder is "a working tool carrier" has no basis. Because the power saw of Durr is already provided a guide bar 20 which is a type of working tool carrier, it does not make sense to interpret that the cylinder also acts as a working tool carrier. Moreover, it is conceded by the Examiner that the claims are interpreted in light of the specification (p. 4, lns. 9-10 of the Office action). The present application describes that a guide bar is a type of

working tool carrier in case of a chain saw (p. 4, Ins. 25-26), similarly to the device in Durr. Therefore, the limitation "a working tool carrier" does not read upon the cylinder of Durr.

Second, the Office action does not provide a rationale for combining Wieland with Durr and thereby reaching a conclusion of obviousness. Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007); MPEP 2141. Logically, application of Durr, which relates to nearly entirely embedding a stabilizing plate 7 in the material of a lower crankcase 6 (see abstract; col. 3, Ins. 17-21), to Wieland would result in a modification of the crankcase 17 of Wieland so that a stabilizing plate is nearly entirely embedded in the crankcase 17. Such a modification would not result in the subject matter of claim 1 which has been further amended to make the differences more clear in relation to prior art.

In particular, claim 1 has been amended to include limitations relating to dependent claim 6 and now recites that "the working tool carrier is clamped to abut to a non-embedded section (18) of a component (16) embedded in the crankcase (12) wall." No new matter is added because these limitations are discussed on page 5, lines 18-32 and shown in FIG. 2 of the present application. Because the stabilizing plate 7 of Durr is nearly entirely embedded, the combination of the references, even if made under a reasonable rationale, would still fail to teach the present invention. Even though sealing surface 34, which is referred to in the Office action, is free of plastic and faces cylinder 1 (col. 3, Ins. 32-35), as discussed above, a cylinder is not a "working tool carrier." In case of Wieland, the guide bar 32 abuts the attachment appendage 47, which is separate from the crankcase 17. As a result, neither Durr nor Wieland fails to disclose all elements of claim 1.

In conclusion, because each and every limitation of claim 1 and claims depending therefrom is not disclosed by the prior art, the rejection was improper and must be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE1-37597.

Respectfully submitted,
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Date: September 8, 2008